

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF PUERTO RICO**

3                   **BAUTISTA REO PR CORP.,**

4                   **Plaintiff,**

5  
6                   **v.**

**CASE NO. 16-1352 (GAG)**

7                   **ÁNGEL ZAHID VÉLEZ RAMÍREZ, ET AL,**

8                   **Defendants.**  
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10                                   **MEMORANDUM OPINION**

11           Plaintiff's Motion for Confirmation of Judicial Sale regarding a foreclosed property is  
12 **DENIED without prejudice** for failure to comply with Rule 51.7 of the Puerto Rico Rules of  
13 Civil Procedure, which governs judicial sales. 32 P.R. ANN. LAWS App. V § 51.7. Said Rule  
14 requires the publication of a Notice of Sale, and, at issue here, requires Plaintiff to send a copy of  
15 the Notice to Defendant and Defendant's counsel *within five days of publication* via certified mail.  
16 Id. A close reading of Rule 51.7 reveals that a Notice of Sale is considered "published" when it is  
17 placed in three public places of the municipality where the sale will be held, or published in a daily  
18 newspaper of general circulation. Id. ("[The sale] must be *given to publication* for a space of two  
19 weeks through written announcements visibly placed in three public places of the municipality in  
20 which the sale will be held . . . . Said announcement shall *also be published* through an edict twice  
21 in a diary of general circulation . . . ." (translation ours))

22           Here, the Sale Notice was first published on October 13, 2017 when it was posted in three  
23 public places. (Docket No. 34-2). Plaintiff's Statement Under Penalty of Perjury says that they  
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1 notified the Defendant at her address on October 17, 2017. Id. Yet it does not specify if it was  
2 through certified mail—or how she was notified at all. Moreover, Plaintiff claims that “the Notice  
3 of Sale was duly sent by certified mail to Defendants.” (Docket No. 34 at 2). But the supporting  
4 Exhibit 3, which contains the letters and certified mail receipts, shows that the letters were sent via  
5 certified mail on October 20, 2017. (Docket No. 34-3). This is more than five days after publishing  
6 the Sale Notice. “Rule 51.7 establishes the procedure in [cases of judicial sale] that must be strictly  
7 complied with under penalty of the judicial sale’s annulment.” RAFAEL HERNÁNDEZ COLÓN,  
8 PRÁCTICA JURÍDICA DE PUERTO RICO: DERECHO PROCESAL CIVIL § 6310 (6th ed. 2017) (translation  
9 ours). Therefore, the Court hereby **DENIES** Plaintiff’s Motion for Confirmation of Judicial Sale  
10 at Docket No. 34 because Plaintiff failed to notify Defendant within five days of publication as  
11 required.

12 **SO ORDERED.**

13 In San Juan, Puerto Rico this 19th day of December, 2017.

14  
15 *s/ Gustavo A. Gelpí*  
16 GUSTAVO A. GELPI  
17 United States District Judge  
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